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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,647	04/09/2007	Wim Van Berkum	36290-0411-00-US/226708	4860
23973	7590	10/07/2009	EXAMINER	
DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			BLANKENSHIP, GREGORY A	
		ART UNIT	PAPER NUMBER	
		3612		
		MAIL DATE		DELIVERY MODE
		10/07/2009		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/581,647	VAN BERKUM, WIM
	<b>Examiner</b>	<b>Art Unit</b>
	GREGORY BLANKENSHIP	3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-40 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 21-40 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 6/2/2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>6/2/2006</u> .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 is not clearly understood because the phrases "in particular, one-piece storage plate" and "in particular a push button" can be limitations or examples. The phrases have been read as examples. Similar issues regarding phrases that use "in particular" exist in claims 23, 25, 39, 31, 33, and 39.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-23, 26, 29-31, 34, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 4013158.

DE 4013158 discloses a rear parcel shelf (10) with a fixing device that retains the parcel shelf in a vehicle, as disclosed in the abstract and shown in Figures 1 and 3. The parcel shelf forms a storage surface as broadly claimed in that objects can be placed on top of the shelf.

An actuating element (13) releases the connection between the vehicle and the parcel shelf.

A detent connection retains the storage surface and is formed by a detent spring (15) which

is connected to a part (17) being secured to the vehicle, as shown in Figure 3. A detent element (24) is connected to the storage surface, as shown in Figure 3. The actuating element (13) includes a releasing device (31) that releases the detent connection, as shown in Figure 3. The releasing device is formed to penetrate into and expand a clearance between the detent spring (15) and the detent element (24) when the detent connection is released, as shown in Figure 3. In reference to claims 22 and 30, element (26) meets the limitations for the recessed grip lower part in that it is arranged at the lower side of the storage plate and forms a recessed grip with the storage plate that is accessible when the actuating element is actuated. In reference to claims 23 and 31, the releasing device (31) is a component of a push button lower part of the actuating device (13) and includes a guide element (28), as shown in Figure 3. The guide element is fixed in a guide contour, the vertical walls adjacent to the lead lines of reference numbers (28,29) as shown in Figure 3, associated with the storage plate and connected with this in a one-piece manner. In reference to claims 26 and 34, the releasing device (31) is designed as a wedge which is slanted at the free end, as shown in Figure 3. The releasing device (31) is situated under the push button (13) perpendicular to a plane defined by the storage plate, as shown in Figure 3. In reference to claims 37 and 38, the vehicle has a rear parcel shelf according to claim 21 and the fixing device according to claim 29.

***Allowable Subject Matter***

5. Claims 24, 25, 27, 28, 32, 33, 35, 36, 39, and 40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Blankenship/  
Examiner, Art Unit 3612  
September 28, 2009